
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

| | | |
|-----------------|---|----------------------------|
| In Re: |) | Case No.: 16-22254 |
| |) | |
| Angelene C Pair |) | Chapter 13 |
| |) | |
| Debtor(s) |) | Judge: A. Benjamin Goldgar |

NOTICE OF MOTION

TO: Angelene C Pair, 479 Deer Trail Rd. Chicago Heights, IL 60411 *via mail*
Trustee Marilyn O Marshall, 224 South Michigan Ste. 800, Chicago, IL 60604 *via ECF clerk's electronic delivery system*
U.S. Trustee, 219 S. Dearborn Suite 873, Chicago IL 60604 *via ECF clerk's electronic delivery system*
See attached service list

PLEASE TAKE NOTICE that on **January 8, 2019 at 9:30 am** I shall appear before the Honorable Judge A. Benjamin Goldgar at the Dirksen Federal Court, 219 S. Dearborn, Courtroom 642, Chicago, Illinois 60604 or any Judge presiding and then and there present the **Motion**, a copy of which is attached hereto.

By: /s/ David H. Cutler
David H. Cutler

CERTIFICATE OF SERVICE

I, David H. Cutler, hereby certify that I caused to be served, electronically or through U.S. Mail, a copy of the foregoing Notice and Motion upon the parties named above on December 18, 2018 before the hour of 7:00 p.m.

By: /s/ David H. Cutler
David H. Cutler, esq.
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600

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MOTION TO MODIFY PLAN POST CONFIRMATION

NOW COMES the Debtor, Angelene C Pair (hereafter referred to as “the Debtor”), by and through her attorneys, The Law Offices of Cutler & Associates, Ltd., to present this Motion and state as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 USC 1334 and this is a "core proceeding" under 28 USC 157(b)(2).
2. The Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on July 11, 2016 and her Plan was confirmed on August 30, 2016.
3. The Debtor’s confirmation Order provides for a plan payment of \$695 for 60 months with unsecured creditors receiving 100% of their unsecured claims.
4. The Debtor’s plan was then modified on August 8, 2017 to defer the trustee default of \$970 to the end of the plan.
5. The Debtor has fallen behind on her plan payments and a default has accrued, as of the date of this motion the current default is \$1,595.
6. The Debtor fell behind her plan payments as she incurred funeral and burial expenses for her mother who passed and she had taken time from work prior for caring for her mother and then for the funeral services.

7. The Debtor is able to make her plan payments going forward but cannot catch up on the full default amount. The Debtor is looking to modify her plan by deferring the current default to the end of the plan.
8. The Debtor seeks to modify the plan to defer the current trustee's default to the end of the plan.

WHEREFORE, the Debtor respectfully requests that this Court modify the Debtor's Plan Post Confirmation to defer the current default until the end of the plan; and for such further relief that this Court may deem just and proper.

Dated: December 18, 2018

Respectfully Submitted,

By: /s/ David H. Cutler
David H. Cutler, esq.,
Counsel for Debtor(s):
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600